

# **Notice of Allowability**

Application No.

09/663,872

Examiner

Katherine A. Bareford

Applicant(s)

SANCHEZ ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the appeal brief of Nov. 24, 2003.
2. ☒ The allowed claim(s) is/are 1,4-12,15-19,21,23,25 and 26.
3. ☒ The drawings filed on 15 September 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

- |  |  |
|--|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                   |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 6 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. <u>attached</u> |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____  | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment                           |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance                     |
|  | 9 <input type="checkbox"/> Other _____   |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. R. Klein on January 6, 2004.

The application has been amended as follows:

#### IN THE CLAIMS:

Claim 23, line 1, "22" is deleted, and - 21 - inserted in its place.

Claims 20 and 27 are canceled.

2. The amendment to claim 23 removes the dependency from canceled claim 22 and puts it on pending claim 21. The cancellation of claims 20 and 27 cancels claims that would remain rejected for the reasons given in the Final Rejection.

### REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance: the closest prior art is to Kawasaki et al (US 5576075), Hochberg (US 389240) and EP 472 459 A1 (hereinafter '459). As discussed in the Final Rejection, Kawasaki teaches a method and apparatus for sonicating, filtering and coating, where a stream containing a dispersion of particles is subject to a

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sonicating treatment, the sonicated stream is subject to a filtering treatment, and then the filtered stream is coated onto a surface. Kawasaki does not teach that the particles are agglomerated before being sonicated, the use of a photoreceptor surface as the substrate, the use of particles of toner or the use of a second sonicator to sonicate during filtering. Hochberg teaches that liquid dispersions of toner material, which can be dispersed by ultrasonic agitation, are to be applied to a charged photoconductive layer. However, there is no teaching or suggestion to combine Kawasaki and Hochberg to provide the claimed invention and to use the toner particles of Hochberg in the sonicating and filtering process of Kawasaki, as Hochberg also does not indicate that the particles are agglomerated before treatment or that the toner particles would need filtering, and Kawasaki is directed to a treatment of magnetic coating material rather than toner. '459 teaches using an ultrasonicator to break up a stream of a liquid dispersion of agglomerated primary particles to provide a stream of de-agglomerated particles followed by filtering the resulting sonicated stream containing a dispersion of de-agglomerated particles, with a second ultrasonicator provided to ultrasonicate the filter member so as to further break up agglomerates. However, '459 is directed to treating the residue resulting from spent nuclear fuel elements, allowing the residue to be conveyed to a vitrification plant, and is not concerned with a coating process. Thus, there is no teaching or suggestion to use the treatment system of '459 in a coating process or apparatus as taught by Hochberg or Kawasaki, because '459 is directed to different materials being used for a different purpose.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine A. Bareford whose telephone number is (571) 272-1413. The examiner can normally be reached on M-F(6:30-4:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive P. Beck can be reached on (571) 272-1415. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1700.

  
KATHERINE A. BAREFORD  
PRIMARY EXAMINER  
GROUP 4100/700